

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Approval of Minutes, Findings and Recommendations from the Hearings Official and Adoption of a Resolution Forming a Local Improvement District and Award of the Construction Contract for the Improvements for Paving, Constructing Curbs, Gutters, Sidewalks, Street Lights, Stormwater Drainage and Water Quality Facilities on Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard.
(Job #4275)

Meeting Date: April 13, 2009
Department: Public Works-Engineering
www.eugene-or.gov

Agenda Item Number: [Agenda Item Number]
Staff Contact: Mark Schoening
Contact Telephone Number: 682-5243

ISSUE STATEMENT

The Council is being requested to approve the Hearings Official's Minutes, Findings, and Recommendations dated April 6, 2009 and to adopt a resolution forming a Local Improvement District (LID) for paving, constructing curbs, gutters, sidewalks, street lights, stormwater drainage and water quality facilities on Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard.

BACKGROUND

Elmira Road and Maple Street are neighborhood collector streets and located in the Active Bethel Citizens neighborhood on the west side of Eugene. The existing roadway has no curb, gutter, or sidewalks and the existing road surface is in very poor condition.

City representatives attended the Active Bethel Citizens Neighborhood meeting in the fall of 2006 to kick off a public outreach process for the design of the Elmira Road and Maple Street. After the neighborhood meeting, between November 2006 and January 2009, seven public workshops were held providing education about public improvements and financing and discussing specific design and financing for the Elmira Road and Maple Street improvements. Two of these workshops were a result of Council direction on November 10, 2008 "to continue to work with property owners to further address their concerns, with the goal of maintaining the 2009 construction start". For each meeting over 1500 postcard invitations were mailed. In addition there was a special workshop for the residents of Maple Street.

Staff believes the meetings resulted in a consensus about the proposed design. The street improvements will consist of 24-foot wide paving, curb and gutters, sidewalks, street lights, parking bays on Maple Street, and storm water drainage system with water quality facilities. The project will address the

deteriorating roadway, improve safety for all modes of travel, provide storm water quality and improve drainage conveyance. In lieu of bike lanes, as requested by the property owners, signage will be provided to alert bicyclists of the nearby Roosevelt Path. The signs will be located at intersections on Elmira Road to direct travelers down side streets to the connections to the path.

The total estimated cost of the project is \$3,291,360. Of this amount \$2,089,800 or 63 percent is being funded by the City and \$1,201,560 or 37 percent is being funded by assessments to abutting property owners. The City's low income subsidy program will further reduce the assessable amount paid by properties of owner occupied single family homes.

RELATED CITY POLICIES

The Municipal Charter, Chapter IX- Public Improvements provides the regulatory framework for public improvement procedures and assessments. The Eugene Code, Chapter 7 – Public Improvements prescribes the process for the initiation of an assessment project, formation of a local improvement district, and computation and allocation of assessments to benefiting properties.

The improvement of Maple Street and Elmira Road to urban standards is included in the financially constrained list of projects in Transplan, the City's transportation system plan. The improvement project was included in the City's FY06 – FY11 Capital Improvement Program.

COUNCIL OPTIONS

Per Section 7.166(3) of the Eugene Code, the City Council may:

1. Adopt the resolution forming the LID.
2. Substantially modify the improvements, rebidding if necessary, and then conduct a hearing on the modified improvements.
3. Delay the approval not more than 15 days.
4. Abandon the improvements.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval the Hearings Official's Minutes, Findings and Recommendations and adoption of a resolution forming a Local Improvement District as described.

The City received ten bids for this project with the low bid being 28 percent below the Engineer's Estimate. The estimated assessments of \$104.00 per front foot of paving and \$4.30 per square foot of sidewalk and driveway apron is within the range of assessments for projects completed in the last 10 years. In addition, of the approximately 120 properties within the boundaries of the Local Improvement District, 44 have applied for the City's low income subsidy program. It is estimated that 34 owner occupied single-family properties will receive subsidies ranging from 1/3 to 5/6 of the assessment. The total estimated amount of low income subsidies as of March 31, 2009 is \$208,000.

SUGGESTED MOTION

Move to:

1. Approve the Hearings Official's Minutes, Findings, and Recommendations dated April 9, 2009, and
2. Adopt a resolution forming a Local Improvement District for paving, curbs, gutters, sidewalks, street lights, stormwater drainage and water quality facilities on Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard.

ATTACHMENTS

- A. Resolution
- B. Hearing Official's Minutes, Findings and Recommendations
- C. Vicinity Maps and list of LID tax lots

FOR MORE INFORMATION

Staff Contact: Mark Schoening
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FINDINGS AND RECOMMENDATIONS

SUBJECT: PROPOSED LOCAL IMPROVEMENT DISTRICT FORMATION FOR PAVEMENT, CURBS, GUTTERS, SIDEWALKS, STREET LIGHTS, STORMWATER DRAINAGE AND WATER QUALITY FACILITIES ON ELMIRA ROAD FROM BERTLESEN ROAD TO MAPLE STREET AND MAPLE STREET FROM ELMIRA ROAD TO ROOSEVELT BOULEVARD (JOB # 4275)

BACKGROUND

The background of this project is discussed extensively in the Memorandum from the City Engineer. The Hearings Officer finds that adequate and incorporates that discussion by reference.

PROJECT

The proposed project will consist of paving a 24 foot wide street and the improvements associated with such an improvement. The project is described in the Memorandum from the City Engineer.

PUBLIC INVOLVEMENT

This project was begun after the necessary improvements were identified as a part of the City Master Transportation Systems Plan. Since the initiation of the project City Engineering staff have held several local meetings with property owners and other members of the public. After the project was formally initiated and bids were collected, additional meetings were held with property owners to discuss the project and the assessment methodology. On March 31, after bids were opened, a public meeting was held to meet with property owners, to explain the project and answer any questions that might arise concerning the assessment. Finally a public hearing was held pursuant to the Eugene Code on April 2, 2009. Minutes of that public hearing are attached as Exhibit A.

A number of objections were filed to the proposed project. The final total of official remonstrances was twenty one percent. That is, property owners representing twenty one percent of the total proposed assessments filed objections. This is a number of objections higher than usual for local improvement districts, but is still much less than the threshold level of fifty percent set forth in the Eugene Code for special consideration.

Based on the objections voiced at the public hearing, the objections focus primarily on the price, rather than an objection to the project itself. That is, most of the objectors did feel that the proposed work is necessary and important, they simply objected to having to pay as much, or any, of the cost. There were some exceptions to this generalization. It did not appear that all of the people who appeared understood that the City was paying two thirds of the total cost. It is

PROPOSED LOCAL IMPROVEMENT DISTRICT FORMATION FOR ELMIRA ROAD AND MAPLE STREET

probable, however, that if the property owners had understood this, they would still have objected to the amount of the proposed assessments.

The Eugene Code provides for a method of division of the costs of improvements, and the Engineer's recommendations comply with the Code. Where there is room for interpretation or modification of the particular impacts, the City Engineer has consistently recommended interpreting or applying the Code in a manner that minimizes the assessments for property owners.

The Eugene Code represents a series of policy decisions by the Eugene Council on how to apportion the costs of public improvements. Past Councils have decided that property owners adjacent to public improvements derive a benefit from improvements that can be measured according to the process of assessments set forth in the Code. There is no question that the property owners adjacent to Elmira Road and Maple Street will derive a benefit from the improvements approximately equivalent to the benefits usually derived from local street improvements. While the property owners who opposed the present project's assessments may not have articulated their objections in these terms, the basis of their objections or requests for a change of policy seem to center on the fact that prices for public improvements have increased significantly and on the fact that the City and the state are currently in a recession.

Neither the City Engineer nor the Hearings Official are delegated the policy making authority to change the Council's decisions. Neither are we delegated any authority to suggest that a change in policy is, or is not, an appropriate thing to consider. Our task is to follow the directions of the Council that exist in the Code and to report conditions to the Council.

ESTIMATED ASSESSMENT

The assessment method for street improvements is set forth in the Eugene Code. Residential properties that front on collector streets are not assessed for the full width of the street. In this case, instead of the parcels being assessed for the 12 feet of width on each side of the street, properties are only assessed for the cost of ten feet of paving. In addition for properties where there is more than 100 feet of frontage, only the first 100 feet is assessed. For residentially zoned and developed properties without irrevocable permits frontages of more than 100 feet have the rest of the assessment deferred until the time, if ever, that the additional frontage is divided into a separate parcel and developed as a separate parcel.

The Code also provides that parcels with a narrow frontage, frontage of less than 50 feet should be assessed as if they were actually 50 feet wide. This allows for the assessment of flag lots and similarly alternatively structured lots where the frontage is not reflective of the true size of the lot.

Technically, the Code covers only vacant lots or fully developed lots when it sets forth criteria for how to assess large (more than 100 feet) and smaller lots (less than 50 feet). The City

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Engineer recommends, and the Hearings Officer concurs that it makes sense to treat partially developed lots in the same way.

There are several lots with larger than 100 feet of frontage in the proposed LID. The City Engineer proposes to apply the provisions of the Eugene Code to these properties and allow them a deferred assessment. There is one property which has frontage on both the neighborhood collector and local street portion of Elmira Road. The City Engineer proposes to not apply the minimum standards requirement but to instead assess based on its actual front footage of improvements on Elmira Road. The local street portion of Elmira Road is not being improved at this time. When, if, this portion of Elmira is improved, the property would be assessed for that improvement. For that reason, the City Engineer proposed to assess only for the actual frontage on Elmira, and the Hearings Official concurs.

Property owners along Maple Street requested that parking be provided. This was done in the form of the installation of parking bays. These parking bays are proposed to be specially assessed against the adjacent properties.

When these adjustments are made, and the remaining costs are apportioned according to the directions of the Code, the division of the assessments is recommended to be as follows:

Total Estimated Assessable Costs	\$ 1,201,560
Total Estimated City Cost	\$ 2,089,800
Total Estimated Project Costs	\$ 3,291,360

The estimated assessed costs are to be divided against the properties in the district as follows:

Paving 10-foot (per front foot)	\$ 104.00
Parking Bays on Maple Street (each property)	\$ 550.00
Sidewalk and drive aprons (per square foot)	\$ 4.30

FINDINGS AND RECOMMENDATION

Notice of the public hearing was provided and all the property owners were given an opportunity to participate in the hearings.

Appropriate notice was given of the public hearing and the availability of the proposed ordinance for LID formation, as required by the Eugene Charter and Code. Letters informing property owners of the hearing and notification to property owners of the intent of the City to characterize the assessment as an assessment, not a tax, as required by ORS 305.583(5) were mailed to the property owners. The one exception to this was a mistaken omission of one property owner. This property owner did receive notice of the project however, and did appear at the hearing. The property owner had the opportunity to object that the proposed assessment was not proper. While the property owner did file an objection, it did not contest the question of the validity of the assessment under state law. The city will provide additional notice at the time the

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assessments are levied of its intent to characterize the assessment as an assessment rather than a tax.

The Hearings Officer finds that the project is one for which the assessments are for local improvements as set forth in ORS 310.410 because

1. The assessments do not exceed actual costs;
2. The assessments are imposed for a capital construction project that provides a specific benefit for a specific property or rectifies a problem caused by a specific property;
3. The assessments are imposed in a single assessment upon completion of the project; and
4. The assessments allow the property owners to elect to pay the assessment with interest over at least ten (10) years.

The Hearings Official also finds that the method of calculation of the area to be assessed and the estimated assessments is consistent with the language of the Eugene Code. The Hearings Official recommends that the Council act in accord with the City Engineer's recommendations, accepting the low bid and forming the local improvement district as set forth in the City Engineer's recommendations.

Respectfully submitted,



Milo Mecham
Hearings Official

Dated: April 7, 2009

Exhibit A

MINUTES

Local Improvement District Formation

Proposed Local Improvement District Formation for Paving, Curbs, Gutters, Sidewalks, Street Lights, Stormwater Drainage and Water Quality Facilities on Elmira Road from Bertlesen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard (Job # 4275)

April 2, 2009 Public Hearing

The hearing began at 6:05 p.m. Fourteen property owners attended the hearing. Hearings Official Milo Mecham began the hearing with an introduction outlining the purpose of the hearing and the expected process after the hearing. Present at the hearing representing the City of Eugene were Principal Civil Engineer Michelle Cahill and Project Engineer Terri Higgins. Also present was City Engineer Mark Schoening and Linsay Selsar, lead on prior public outreach.

Principal Civil Engineer Michelle Cahill described the project, and the public involvement program leading up to the proposed project. The project was initiated when Elmira Road was identified as a neighborhood collector street in the Metro Transportation Plan. The City Engineers have been working with property owners in the area since 2006. There have been several design meetings and a public meeting with the property owners to address specifics about the project and proposed assessment calculations.

Ms Cahill explained that the project will involve the installation of 24 feet of paving improvements on the streets, as well as sidewalks and the associated curbs and gutters and street lights. At the request of property owners along Maple Street, parking bays will be installed. Instead of installing bike lanes, bikers will be directed to the adjacent bike path.

Principal Engineer Cahill also described the method of determining the assessments. The projected cost of the improvements was divided between the portion that the City would pay and the portion to be assessed to the property owners. After this division was made, the costs for each property owner were divided according to the directions of the Eugene Code. Also in accord with the instructions of the Code, residentially zoned and developed properties with greater than 100 feet of frontage along the street were subject to a delayed assessment, where that part of the frontage greater than 100 feet was not assessed, and would not be assessed until such time as the property was divided and developed. Ms Cahill also described the City program for low income subsidies, which 34 property owners applied for and appear to be qualified for at this time.

The first attendee to make remarks to the Hearings Official was Gary Adams. He began his remarks with complaints about the hearings process. Mr. Adams felt that the

process should include an opportunity to address the Council. He then read a letter that he indicated he wanted to say to the Council. Mr. Adams was very concerned about the removal of the existing trees along the street. Mr. Adams felt that the trees that existed along the street were worth preserving. He indicated that he felt that several of the trees were several hundred years old. He felt that it would be wrong to take out so many trees to replace them with what he felt were unsatisfactory street trees. Mr. Adams also objected to the downtown location of the hearing. He felt that attendance would be greater if it had been held at Peterson Barn or some other location closer to Elmira Street. Mr. Adams felt that there were more people opposed to the project than was evidenced by the turnout at the meetings. He felt that people were discouraged because they felt that the project was inevitable no matter what they did.

Mr. Adams objected to the description of the low income support program as a subsidy. Mr. Adams felt that taxpayers subsidized the City operations, so the program should not be called a subsidy but instead a partial offset of the assessments. Mr. Adams felt that there were many in the area who would not be able to afford the assessments, including many artists and others who had recently lost their jobs. Finally Mr. Adams expressed his concern with the possibility that people would lose their homes because of the assessment. He suggested that in his experience there had been many homes in the area that had been foreclosed because of assessments.

City Engineer Mark Schoening explained to Mr. Adams that, even though there is no public hearing scheduled when the Council considers the proposed creation of the LID, there is at every Council meeting a place on the agenda for open public comments. Mr. Schoening indicated that Mr. Adams or others could address the Council at that time.

The next speaker to address the hearing was Jaque Seim. Ms. Seim indicated that she was at the hearing to ask for help. Ms. Seim indicated that she had attended all the meetings on the project and felt well informed, but she was still concerned about the cost. Ms. Seim expressed her gratitude that the Engineers had been able to reduce the costs of the project some, but she still felt that the cost was too great. Ms. Seim also indicated that she liked the design of the project and the fact that the engineers had been able to save some of the trees and rhodendrons along the street.

Ms. Seim indicated that she was very concerned about how she and many of her neighbors would be unable to meet the high costs of the assessments. Many in the community are living day to day, and the Seim family has itself suffered a recent job loss.

Ms. Seim noted that on March 9 the question of changing the Eugene Code provisions concerning assessments had been taken under advisement by the Council. She felt that it would be fair if the project was postponed until the questions were resolved. It would be unfair to assess these properties and then later change the law. Ms. Seim felt that the Council should exercise its authority under Section 7.1175 to change the method of assessment.

Ms. Seim felt that the assessments were excessive. She indicated that the proposed assessment was thirty percent of the price that she had paid for her house 16 years ago. Ms. Seim noted that it was especially troublesome because her family planned to build a second house on their lot and would thus be subject to an additional assessment. She feared that the assessment would be as much as \$100,000 by the time they built the second home. Ms. Seim felt that her family could not afford the assessment and might lose their home.

Ms. Seim raised the question of construction of the sidewalks. She indicated that she had earlier been told that the property owners could choose to construct their own sidewalks and not be assessed for the cost of the City construction. She wondered if the contracts could be separated to allow for this to happen. Ms. Seim indicated that her son, who is a contractor, had hoped to construct the sidewalks. Principal Engineer Michelle Cahill indicated that property owners had the option of constructing sidewalks up to City standards, but none had exercised that option and the City had included the sidewalks in the bid documents. Ms. Seim objected that the City had never clearly indicated when the option of homeowner construction of sidewalks had passed.

The next homeowner to address the hearing was Raymond Harris. Mr. Harris began with a series of questions. His first question was why the City indicated that the interest to be charged on the financed assessments would be eight percent. Principal Engineer Michelle Cahill indicated that the number given in the notices was an estimate only. The final interest rate would be determined by the bonds that the City will sell at the end of the project.

Mr. Harris' next question concerned whether interest would accrue on the delayed portion of the assessments. Ms. Cahill explained the delayed portions of the assessments would accrue at the rate established by the construction index. Ms. Cahill also answered Mr. Harris' question about a lien on the property by explaining that delayed assessments would not become a lien.

Mr. Harris complained that the process of delayed assessment had not been explained at earlier meetings. Mr. Harris felt that he had been misinformed, or told different things at different times.

Ms. Seim spoke up again and asserted that she too felt that she had been misinformed or had the City change its explanations of matters. Principal Engineer Michelle Cahill responded that, because Ms. Seim had raised this issue at the previous public session, she had checked the minutes and was able to confirm that the delayed assessment process had been discussed several times at previous meetings.

The next property owner to address the hearing was Ron Bryant. Mr. Bryant indicated that he had attended the previous meetings and had appeared before the Council to brief them on the issues. Mr. Bryant indicated that he felt that the engineering staff had done a good job of "schmoozing" the public. The engineers had acted like they were listening to the public but were actually ignoring the public. Mr. Bryant felt that they

engineers had solicited public input, but had moved ahead with their own agenda, disregarding the public input. As an example of the problem, Mr. Bryant pointed to the fact that there had been many requests that the project include a signal at Roosevelt Boulevard, but the engineers had ignored these requests in the project design. Mr. Bryant said that traffic already traveled along Maple Street at a high speed, and that he felt the improvements would only make the problems worse. Mr. Bryant indicated that he objected to being told that a signal light was not a part of the project. He felt that the Council should add a signal light. The Council had designated the street as a collector, and should therefore take responsibility for safety,

Principal Engineer Michelle Cahill responded that the engineering staff had made changes in response to public sessions. The project had originally been designed as a wider (two travel lanes plus bike lanes) project, but had been modified in response to the public comments. Ms. Cahill acknowledged that the project did not include a signal at Roosevelt, but explained that the City engineers were not able to modify the projects identified by the Council.

Mr. Bryant indicated that he felt that this was not responsive. He indicated that he had no income. He was eligible and would take advantage of the City's low income subsidy, but did not think it was fair for others who were not eligible. He felt that because the street was designated as a collector street, other people who used the street should pay for the costs of improvements.

The next property owner to address the hearing was Ken Goyer. Mr. Goyer indicated that he wanted the project stopped until some other means of paying for the project could be found. Mr. Goyer felt that other public improvements, such as sewers and power lines, were financed by other means, and this street project should be as well.

Mr. Goyer asked why the trees were being removed, but the power poles were not. Principal Engineer Michelle Cahill responded that several of the poles, owned by Qwest and EWEB were being moved. She assured Mr. Goyer that no poles would be left in the sidewalks.

The next property owner to address the hearing was Ron Knight. Mr. Knight indicated that he felt that the City staff were not listening to the public. Mr. Knight noted that people had been killed at the intersection of Maple and Roosevelt. To build the project without including a signal would, Mr. Knight felt, only increase the number of deaths at the corner. Mr. Knight also opined that putting a median in Highway 99 was a bad idea, since it made turning in one direction impossible and exacerbated the risk for other traffic.

Mr. Knight indicated that he was a veteran on Social Security and could not afford the cost on his fixed income. Mr. Knight felt that there were many other people in the same situation. Mr. Knight felt that the project was too expensive. He felt that it would be possible to repair the street with chip seal and avoid the greater costs of the

project. Mr. Knight felt that the process was unfair and unjust and showed that the City was not a democracy but was more like a communist state.

The next person to address the hearing was Robin Roderick. Ms. Roderick read a letter from the M & M Land and Cattle Company, which owns four lots in the project area. The letter indicated an objection to the project continuing because the M & M Company had not received notice of the hearing and would not have learned of the hearing if it had not been the subject of an article in the newspaper. Principal Engineer Michelle Cahill responded by acknowledging that in the last mailing of notice of the hearing the M & M Company had been inadvertently left off. Ms. Cahill explained that the City had complied with the Code requirement that notice of the hearing be published in the Register Guard. The mailing list used for the courtesy letters sent to all property owners had used an earlier list that was developed for notice about the low income subsidy program.

The letter from M & M Land and Cattle Company also objected to the high cost of the assessments. The company offers low income housing, in the form of a mobile home park. It will be directly contrary to the intent of the low income housing to have to raise costs to the residents to recover the assessment costs. It is likely, said the letter, that many of the residents will be displaced by the Company's need to raise costs to pay the assessment.

Mr. Knight asked about how notices of the project had been distributed. Principal Engineer Michelle Cahill explained that during the initial design portion of the process, the City had included many more people in the neighborhood who used the streets or might be interested in their improvements. Ms. Cahill also explained that as the project progressed to the point where the main concern was the assessments, then notice of the meetings and the hearing had been sent only to property owners who would be assessed for the improvements.

A question was asked about who had decided that Elmira Street was a collector street. Ms. Cahill explained that it had been designated as a collector street by the Council in November 1999.

Ms. Seim mentioned again the importance of Section 7.1175 of the Eugene Code. She restated her concern that it would not be right to proceed with the assessments for Elmira Street when the process would be changed later.

Another member of the audience asked why some of the federal stimulus money could not be used on the project. Another member of the audience asked why it was necessary to dig down so far to replace the bed of the road. He was concerned because he felt that this is what was making it necessary to remove so many trees along the route. His maple tree was very old and very large. He felt that the loss of the trees should be a major concern.

Ms. Betty Martinson asked about remonstrances. The Hearings Officer explained the remonstrance process and indicated that under the code, this hearing was the deadline for submitting remonstrances or objections to the project. Several people indicated that they wished to file remonstrances. To be certain that all the remonstrances were collected, paper was distributed to allow the remonstrances to be written out.

Mr. Joe Donald, a property owner subject to the assessment indicated that he felt that the City should be responsible for the entire cost of repairing the street. The City had ignored maintenance on the street for over 30 years, and for that reason the costs of repairing the street should be paid by the City. Mr. Donald indicated that he was willing to pay the cost of the sidewalks and other improvements, but not the street repairs.

Mr. Kyle McLennan addressed the hearing. He indicated that he objected to the project because it meant, among other things, that he would not be able to park his truck in front of his house. He objected to people not living in the neighborhood making decisions about what the street should be like. Principal Engineer Michelle Cahill asked his address and confirmed that his property is not a part of the proposed local improvement district.

Following Mr. McLennan, a general discussion of the process ensued. Questions were asked concerning the notice. Several people made statements to the effect that they had not been aware of any deadline to file remonstrances. Mr. Adams read the letter concerning remonstrances that had been sent to all property owners and objected because, while it said that the hearing would be the opportunity to file remonstrances, the letter could have been more clear if it had said that the hearing would be the last chance to file a remonstrance.

The remonstrances were collected. Principal Engineer Michelle Cahill indicated that she would make the necessary calculations and inform the hearings official of the number and percentage of property owners filing remonstrances.

There being no other persons wishing to address the hearing, the hearing was adjourned at 7:45 pm.

MEMORANDUM

DATE: April 1, 2009

FROM: Mark Schoening, City Engineer

TO: Hearings Official

SUBJECT: **PROPOSED FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) FOR PAVING, CURBS, GUTTERS, SIDEWALKS, STREET LIGHTS, STORMWATER DRAINAGE AND WATER QUALITY FACILITIES ON ELMIRA ROAD FROM BERTELSEN ROAD TO MAPLE STREET AND MAPLE STREET FROM ELMIRA ROAD TO ROOSEVELT BOULEVARD (JOB #4275)**

BACKGROUND

Elmira Road and Maple Avenue are neighborhood collector streets and located in the Active Bethel Citizens neighborhood on the west side of Eugene. The existing roadway has no curb, gutter, or sidewalks and the existing road surface is in very poor condition. The improvement project to bring the road to urban standards has been included in the adopted Metropolitan Transportation Plan first adopted in 1986 and subsequently updated and adopted.

This project was initiated by Council action on April 11, 2005, by adoption of the 2006 Capital Improvement Plan and pursuant to Section 7.160(5) of the Eugene Code (EC), 1971. The preparation of plans and specifications and call of bids for construction of the local improvements are based on Council Action on April 2005 pursuant to Section 7.160(5) of the Eugene Code, 1971.

City representatives attended the Active Bethel Citizens Neighborhood meeting in the fall of 2006 to kick off a public outreach process for the design of the Elmira Road/Maple Street Neighborhood Collector. After the neighborhood meeting, between November 2006 and January 2009, seven public workshops were held providing education about public improvements and financing and discussing specific design and financing for the Elmira Road and Maple Street improvements. For each meeting over 1500 postcard invitations were mailed. In addition there was a special workshop for the residents of Maple Street. At that meeting property owners requested parking bays. Direct assessment for the bays in addition to the street paving and sidewalk and driveway aprons was discussed.

Staff believes the meetings resulted in a consensus about the proposed design. Property owners continue to be concerned about the financial burden of the assessments for the improvements.

Bids were opened on March 24, 2009, with Morse Bros. Inc. dba Knife River as the apparent low bidder. Bid prices were very competitive from the ten bidders and construction costs were well below the engineers estimate. The property owners were notified of the pending LID hearing ten (10) days prior to the hearing as required by Eugene Code.

An Open House was held on March 31, 2009 to share updated estimates, based on low bid, financing options, and construction related issues. Approximately 50 people attended. It appears that 29 properties were represented.

The LID formation hearing on April 2, 2009, is to review the bid information, confirm whether the LID should be formed and to identify any special conditions that should be included in the resolution forming the LID.

CORRESPONDENCE

Since the mailing of the Notice of Proposed LID, City staff received 1 phone call from property owners about the assessment process. The City has received 16 written documents (see attachments) that were a form letter objecting to the cost of the project. These 16 objections represent 14% of the assessment costs that property owners would bear.

PROJECT

The street improvements will consist of 24-foot wide paving. The improvements will include, curb and gutters, sidewalks, street lights, parking bays on Maple Street, and storm water drainage system with water quality facilities. The project will address the deteriorating roadway, improve safety for all modes, provide storm water quality and improve drainage conveyance. In lieu of bike lanes, as requested by the property owners, signage will be provided to alert bicyclists of the nearby Roosevelt Path. The signs will be located at intersections on Elmira Road to direct travelers down side streets to the connections to the path.

ASSESSMENTS

Costs listed below are the estimated assessment costs calculated using the low bid, known and projected costs. The calculations are consistent with adopted Council policy. A 10% contingency has been included in the estimated costs.

Paving 10-foot (per front foot)	\$ 104.00
Parking Bays on Maple Street (each property)	\$ 550.00
Sidewalk and drive aprons (per square foot)	\$ 4.30
 Total Assessable Cost	 \$ 1,201,560
Total City Cost: w/o Low Income Subsidy:	\$ 2,089,800
Total Project Cost	\$ 3,291,360

Per Eugene Code, property owners of low density residential zoning on a collector street are assessed for a portion of the width and structure (depth) of the street, equivalent to a local street. For a neighborhood collector the width is ten-foot of paving. The City pays for the remaining paving costs. In addition, for collector streets, the street light improvements, street trees, larger capacity stormwater drainage improvements, are paid for by the City. On this project the existing wastewater pipes needed to be adjusted to avoid conflict with the new stormwater drainage system and this work is proposed to be funded out of the Wastewater Utility Fund. For the curb-side sidewalk a six foot walk is proposed for construction to allow additional safety from the travel lane with five-foot width proposed to be assessed. Some improvements to the bike path connections from the neighborhood to the Roosevelt Path are proposed to be paid for by the City.

Property owners of land zoned single family residential generally pay for actual frontages with the exception that the maximum is 100 feet and the minimum is 50 feet. A few properties don't fit in the minimum and maximum range.

The criteria for the exceptions include evaluating the zoning, land use, lot size, level of development and frontage.

The criteria would have a vacant lot or fully developed lot less than ½ acre be assessed a minimum of 50 feet and a maximum of 100 feet. The criterion does not explicitly talk about a partially developed lot less than ½ acre. We recommend the same minimum and maximum be applied for partially developed lots less than ½ acre.

One property is receiving less than the minimum 50-foot frontage assessment. The property at the corner of Elmira Road and Maple Street that has frontages on the collector portion of Elmira and the local street portion of Elmira. The portion of the property that receives the improvements that include the paving, curb, gutter and sidewalk will be assessed for the actual frontage of curb and gutter improvements. When the local section of Elmira is improved to urban standards the remaining frontage would be assessed.

In addition there are 24 properties without primary access to Elmira Road and two on Maple Street. Seven of these have irrevocable petitions signed when the property was developed and are included in the proposed assessments. The remaining properties have addresses on the side streets and some already are served by curb and gutter and the others would be assessed if their local street frontage is improved to urban standards.

The non-assessable City share for this project will be funded from Transportation SDC and Stormwater SDC and Wastewater Utility Funds.

Assessment financing, a 10-year payment plan through the City, is available to all property owners within the improvement district as identified by Eugene Code, Chapter 7.

LOW INCOME SUBSIDY

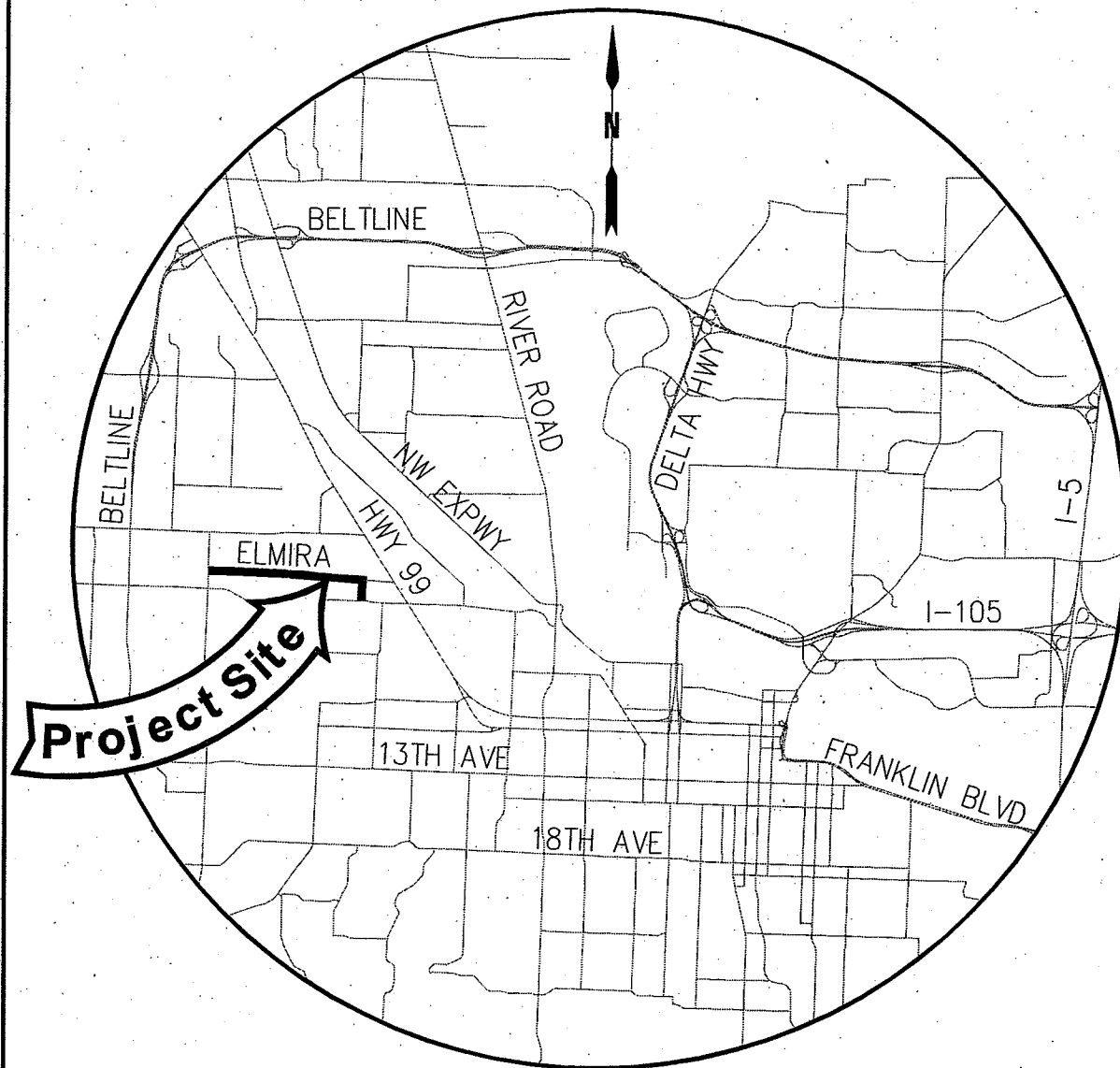
Approximately 120 residential property owners were notified of the Low-to-Moderate Income Street Improvement Subsidy program. The subsidy program is available to property owners who occupy a single family dwelling or duplex and meet other program criteria. Owners were sent fact sheets which describe the household size and income levels for the subsidy program which is based on the current Lane County Median Family Income. Application forms were also included in the mailing. Property owners were given until March 23, 2009 to return their application forms to determine eligibility. Forty four property owners responded. At this time it appears that 34 owners qualify for this program. If the project goes forward there will be one more opportunity for property owners to apply for the program at the time of final assessment, currently estimated to be in the winter of 2010.

RECOMMENDATION

The unit prices submitted with the low bids are competitive and based on staff review appropriate for this scale of project. Staff recommends approval of formation of the LID.

ELMIRA / MAPLE ASSESSMENT L.I.D.

VICINITY MAP



ELMIRA / MAPLE
ASSESSMENT LID
4275
APRIL 2009

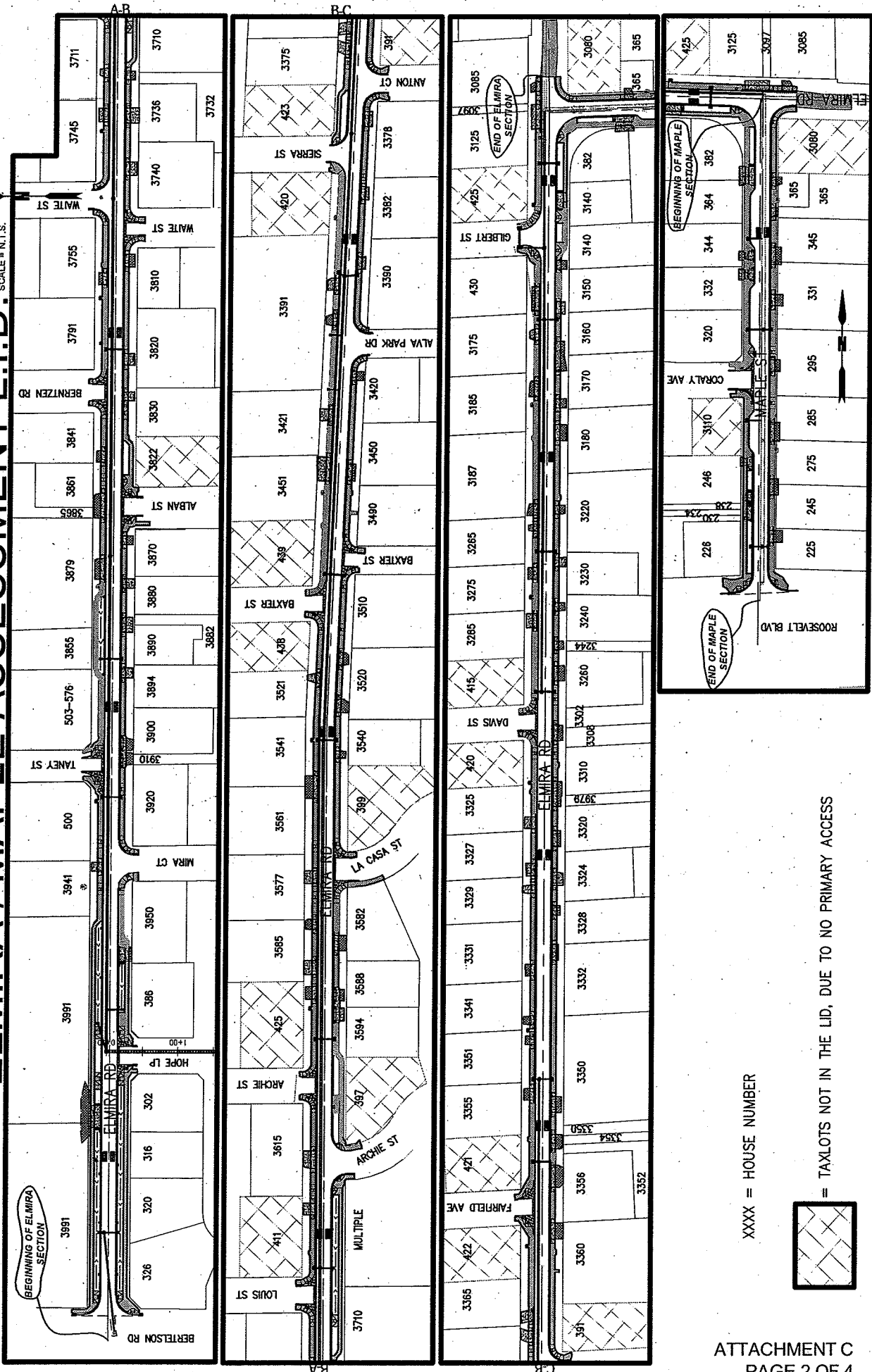
CITY OF EUGENE
PUBLIC WORKS ENGINEERING

SCALE = N.T.S. DRAFTED BY: C. PERINI DESIGNED BY J. BONHAM



ELMIRA / MAPLE ASSESSMENT L.I.D.

PROJECT #4275
APRIL 2009
SCALE = N.T.S.



Elmira Road and Maple Street
Local Improvement District Formation
April 2009

ELMIRA	
Map #	Lot #
17042621	5304
17042621	5303
17042622	1600
17042622	7400
17042622	7500
17042622	7600
17042622	7700
17042622	7800
17042622	7900
17042622	8000
17042622	10100
17042622	10200
17042622	10300
17042622	10400
17042622	10500
17042622	10600
17042711	1700
17042711	1800
17042711	5000
17042711	5100
17042711	11500

Map #	Lot #
17042711	11600
17042711	11400
17042712	4200
17042712	4300
17042712	4400
17042712	4500
17042712	4800
17042712	7900
17042712	11400
17042712	11500
17042712	13300
17042721	1200
17042721	11300
17042721	11200
17042721	11100
17042721	11000
17042721	10900
17042721	10800
17042721	1600
17042721	1800
17042721	1700
17042724	2211

Map #	Lot #
17042724	2212
17042724	2213
17042724	2214
17042724	2201
17042724	1405
17042724	1401
17042724	1302
17042724	1301
17042724	1200
17042724	801
17042724	802
17042724	701
17042724	601
17042724	101
17042713	1500
17042713	1401
17042713	1301
17042713	1302
17042713	1303
17042713	101
17042713	102
17042713	178

Bolded lots indicate remonstrance received

Elmira Road and Maple Street
Local Improvement District Formation
April 2009

Map #	Lot #
17042713	150
17042713	149
17042713	147
17042714	4700
17042714	4601
17042714	4500
17042714	4400
17042714	4301
17042714	500
17042714	300
17042714	201
17042714	101
17042714	5902
17042714	5904
17042714	5905
17042714	5900
17042623	1700
17042623	1604
17042623	1602
17042623	1603
17042623	1500
17042623	1401

Map #	Lot #
17042623	1400
17042623	1301
17042623	1202
17042623	1201
17042623	1100
17042623	1101
17042623	1001
17042623	1000
17042623	900
17042623	800
17042623	700
17042623	600
17042623	500
17042623	200
MAPLE	
17042623	100
17042623	300
17042623	400
17042623	1901
17042623	1902
17042623	2100
17042623	2203

Map #	Lot #
17042623	2204
17042623	2205
17042623	2206
17042624	4000
17042624	3900
17042624	3800
17042624	3700
17042624	3600
17042624	3500
17042624	3400
17042624	3301
17042624	3300

Bolded lots indicate remonstrance received